

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

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Martha Garza,	:	
	:	Civil Action No.: 3:18-cv-333
Plaintiff,	:	
v.	:	
National Credit Adjusters, LLC,	:	<b>COMPLAINT</b>
Defendant.	:	
	:	
	:	

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For this Complaint, Plaintiff, Martha Garza, by undersigned counsel, states as follows:

**JURISDICTION**

1. This action arises out of Defendant's repeated violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (the "FDCPA").
2. Venue is proper in this District pursuant to 28 U.S.C. § 1331(b), in that Defendant transacts business in this District and a substantial portion of the acts giving rise to this action occurred in this District.

**PARTIES**

3. Plaintiff, Martha Garza ("Plaintiff"), is an adult individual residing in El Paso, Texas, and is a "consumer" as the term is defined by 15 U.S.C. § 1692a(3).
4. Defendant, National Credit Adjusters, LLC ("NCA"), is a Kansas business entity with an address of 327 West 4th Street, P.O. Box 3023, Hutchinson, Kansas 67504, operating as a collection agency, and is a "debt collector" as the term is defined by 15 U.S.C. § 1692a(6).

**ALLEGATIONS APPLICABLE TO ALL COUNTS**

**A. The Debt**

5. Plaintiff allegedly incurred a financial obligation (the “Debt”) to an original creditor (the “Creditor”).

6. The Debt arose from services provided by the Creditor which were primarily for family, personal or household purposes, which meets the definition of a “debt” under 15 U.S.C. § 1692a(5).

7. The Debt was purchased, assigned or transferred to NCA for collection, or NCA was employed by the Creditor to collect the Debt.

8. Defendant attempted to collect the Debt and, as such, engaged in “communications” as defined in 15 U.S.C. § 1692a(2).

**B. NCA Engages in Harassment and Abusive Tactics**

9. Within the last year, NCA began contacting Plaintiff in an attempt to collect the Debt.

10. On August 9, 2018, NCA called Plaintiff at 7:32 AM.

**C. Plaintiff Suffered Actual Damages**

11. Plaintiff has suffered and continues to suffer actual damages as a result of Defendant’s unlawful conduct.

12. As a direct consequence of Defendant’s acts, practices and conduct, Plaintiff suffered and continues to suffer from humiliation, anger, anxiety, emotional distress, fear, frustration and embarrassment.

**COUNT I**  
**VIOLATIONS OF THE FDCPA 15 U.S.C. § 1692, et seq.**

13. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

14. Defendant's conduct violated 15 U.S.C. § 1692c(a)(1) in that Defendant contacted Plaintiff before 8:00 AM.

15. Defendant's conduct violated 15 U.S.C. § 1692d in that Defendant engaged in behavior the natural consequence of which was to harass, oppress, or abuse Plaintiff in connection collection of the Debt.

16. Defendant's conduct violated 15 U.S.C. § 1692f in that Defendant used unfair and unconscionable means to collect the Debt.

17. The foregoing acts and omissions of Defendant constitute numerous and multiple violations of the FDCPA.

18. Plaintiff is entitled to damages as a result of Defendant's violations.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff prays that judgment be entered against Defendant:

1. Actual damages pursuant to 15 U.S.C. § 1692k(a)(1);
2. Statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A);
3. Costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k(a)(3); and
4. Such other and further relief as may be just and proper.

**TRIAL BY JURY DEMANDED ON ALL COUNTS**

Dated: November 2, 2018

Respectfully submitted,

By: /s/ Sergei Lemberg

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**CERTIFICATE OF INTERESTED PARTIES**

NOW COMES Sergei Lemberg and hereby certifies that the following persons or entities have a financial interest in the outcome of this litigation:

Martha Garza, Plaintiff  
El Paso, TX

Sergei Lemberg  
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Attorneys for Plaintiff

Dated: November 2, 2018

Respectfully submitted,

By: /s/ Sergei Lemberg

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